

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CT-3102-D

PAUL LOUIS GHIRALDI,

Plaintiff,

v.

#1 TRANSPORTATION OFFICER,
et al.,

Defendants.

ORDER

On May 11, 2018, Paul Louis Ghiraldi (“plaintiff” or “Ghiraldi”), a state inmate proceeding pro se, filed a complaint under 42 U.S.C. § 1983 [D.E. 1]. On January 14, 2019, the court reviewed the complaint and additional filings pursuant to 28 U.S.C. § 1915A, dismissed the action in part, and allowed Ghiraldi to proceed with his claims concerning deprivation of medical care following an automobile accident, his inability to attend “child custody/paternity testing cases,” and incidents in which other inmates have threatened and assaulted him and labeled him a “snitch.” [D.E. 16] 7. The court directed Ghiraldi to amend his complaint to name specific Bertie officers or employees who deprived him of his rights as set forth in these claims. Id.

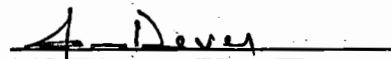
On January 28, 2019, Ghiraldi filed a response naming defendants [D.E. 17]. One of the defendants Ghiraldi identified was “Mrs. Biaz who also made me do exposure therapy which . . . didn’t help.” Id. at 1. On February 19, 2019, the court directed the clerk to continue management of the action pursuant to Standing Order 14-SO-02 and to issue summonses [D.E. 18]. All defendants except Mrs. Biaz have either been served with process or waived service and answered the complaint [D.E. 24, 27, 29, 31, 32]. The Attorney General has also filed a response indicating

that DPS has searched its records and “cannot locate an employee by the name of Mrs. Biaz from whom an executed waiver of service could be obtained.” [D.E. 23]. On May 2, 2019, the court directed plaintiff to file a response showing good cause why the court should not dismiss Biaz as a defendant [D.E. 27].

Ghiraldi’s response suggests that perhaps Biaz “fabricated her name and wears a name tag that’s not hers.” [D.E. 30] 1. Ghiraldi also states that he is “a barely literate educated man with a 7th grade education.” Id. North Carolina Prisoner Legal Services, Inc. (“NCPLS”) is assisting Ghiraldi with conducting discovery, and the discovery period concludes on December 3, 2019. See [D.E. 21, 34, 35, 43]. Thus, Ghiraldi has not shown why the court should not dismiss defendant Biaz without prejudice. If discovery reveals Biaz’s proper identity, Ghiraldi may move to amend his complaint. To the extent Ghiraldi moves for a settlement, [D.E. 30] 2, the court denies the motion without prejudice as premature.

In sum, the court DENIES plaintiff’s motion for settlement [D.E. 30] without prejudice, and DISMISSES defendant Biaz without prejudice. The parties have until December 3, 2019 to complete discovery and until January 6, 2020 to file any motions.

SO ORDERED. This 12 day of November 2019.


JAMES C. DEVER III
United States District Judge